

EXHIBIT C

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In Re: Cattle and Beef)
Antitrust Litigation,) File No. 20-cv-1319
(JRT/HB)
)
)
) Minneapolis, Minnesota
) March 18, 2022
) 9:07 a.m.
)
)
)

BEFORE THE HONORABLE HILDY BOWBEER
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE
(MOTIONS HEARING)

Proceedings reported by certified stenographer;
transcript produced with computer.

1 response to them asking what you've given to me.

2 So I don't think we have a loop issue here. And
3 to the extent that the regulators at issue have requested
4 materials produced in this case, we are obviously not asking
5 the defendants to reproduce them here.

6 So that's what I would say about the relevance
7 point. And if I move on, I would jump to the XL Foods.

8 So the XL Foods acquisition, JBS acquired two
9 slaughter plants in the U.S. One of the slaughter plants
10 was idle at the time, and we have allegations in the
11 complaint regarding JBS continuing to keep it idle despite
12 it being an opportunity to use that plant to slaughter
13 more -- obtain more cattle and slaughter more cattle. We
14 give those cites in the brief at page 26 to 27.

15 JBS's argument, as we understand it, is
16 principally that these two plants were used by XL Foods to
17 slaughter culled cows and bulls.

18 And as Your Honor might already know, culled cows
19 and bulls are separate from fed cattle. They're the
20 breeding stock that's outlived their normal life and is then
21 sent to slaughter, as opposed to fed cattle, which are the
22 animal, you know, raised from birth for beef production.

23 Importantly, the same plants that slaughter fed
24 cattle can slaughter culled cows and vice-versa. I
25 understand there are some modifications that you might make,

EXHIBIT D

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In Re: Cattle and Beef) File No. 20-cv-1319
Antitrust Litigation) (JRT/HB)
)
)
) Zoom Video Conference
) Saint Paul, Minnesota
) Thursday, March 24, 2022
) 9:00 a.m.
)

BEFORE THE HONORABLE HILDY BOWBEER
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE
(MOTIONS HEARING)

Court Reporter: RENEE A. ROGGE, RMR-CRR
United States District Court
300 South Fourth Street, Box 1005
Minneapolis, Minnesota 55415

Proceedings recorded by mechanical stenography;
transcript produced by computer.

RENEE A. ROGGE, RMR-CRR
(612) 664-5107

1 the granting of the motion to PowerPoint presentations and
2 sort of visual aids associated with and, you know, an
3 in-person meeting or a Zoom meeting, but you know what I
4 mean as an, as an aid or supplement to a conversation. But
5 let me give that some additional thought in view of the
6 additional discussion we've had here today, and I will
7 button that down for you when we get together next Friday.

8 Let's move on to other packers. And it looks like
9 this was not an area where you were able to reach agreement
10 on any of the pieces, at least not since the last hearing.
11 This was Section III(C) and I believe also Section III(G) of
12 plaintiffs' motion.

13 I am denying the motion as to both of those
14 sections relating to communications with other packers and
15 contact information for other packers. I think the
16 arguments about conceivable relevance were just too
17 speculative, and it crossed over into that kind of fishing
18 expedition territory that might have been allowed under the
19 prior version of Rule 26, but I think once the "reasonably
20 calculated to lead" language was excised in 2015, I think
21 this, as the record stands right now, doesn't make the cut.

22 Obviously, if subsequent discovery gives rise to
23 more demonstrable relevance, plaintiffs can revisit the
24 issue with one or more of the defendants and, if necessary,
25 bring it back to me, but right now I'm denying the motion

EXHIBIT E

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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In Re: Cattle and Beef)	File No. 20-cv-1319
Antitrust Litigation)	(JRT/HB)
)	
)	
)	Zoom Video Conference
)	Saint Paul, Minnesota
)	Friday, April 1, 2022
)	1:00 p.m.

BEFORE THE HONORABLE HILDY BOWBEER

UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

(CASE MANAGEMENT CONFERENCE HEARING)

Court Reporter: MARIA V. WEINBECK, RMR-FCRR
United States District Court
300 South Fourth Street, Box 1005
Minneapolis, Minnesota 55415

Proceedings recorded by mechanical stenography;
transcript produced by computer.

1 Mr. Kimbell is being sought for the period during
2 which he was either vice president or periods during which
3 he was either vice president of case ready sales or vice
4 president of case ready business development and which
5 covers a fair amount of the period. And, actually, I was
6 mistaken a moment ago when I said that JBS had represented
7 to me that the case ready business was not a significant
8 part. It was actually National Beef that represented to me
9 that the case ready business was not a significant part of
10 their business.

11 So I am denying plaintiffs' motions for both
12 Mr. Domanski and Mr. Kimbell. I am denying with regard to
13 Mr. Kimbell because, first, as I say, I remembered correctly
14 that it isn't a big part of National Beef business, that
15 case ready business, and National Beef indicated that his
16 supervisors are already custodians, and the plaintiffs'
17 arguments about why it wouldn't be covered adequately or
18 just too conclusory, just too speculative. So, yes, he was
19 in that role for a while, but I'm not persuaded that the
20 other people that National Beef has already identified
21 aren't going to cover what is relevant or might be relevant
22 from Mr. Kimbell's files, so I'm denying for Mr. Kimbell.

23 For Mr. Domanski, honestly, I just wasn't
24 persuaded by the argument that the president of
25 international sales, whose efforts were directed to export